

# Board of Supervisors Land Use Policy Committee

July 21, 2020

Government Center Conference Room 11

## ***Board of Supervisors (Board) Members Present:***

Jeff McKay, Chairman

Penelope Gross, Mason District (Vice Chairman)

James Walkinshaw, Braddock District

John Foust, Dranesville District

Rodney Lusk, Lee District

Dan Storck, Mount Vernon District

Dalia Palchik, Providence District (participated remotely from Providence District office)

Pat Herrity, Springfield District

Kathy Smith, Sully District (Committee Chair)

The Land Use Policy Committee (Committee) meeting was called to order at 2:37 p.m.

The minutes of the February 4, 2020 Committee meeting were accepted. Supervisor Smith noted that the Committee meeting scheduled for March 31, 2020 listed on the summary had been cancelled.

## **Zoning Ordinance Modernization (zMOD):**

Staff in attendance were Barbara Byron, Director, Department of Planning and Development (DPD). Presenting from Conference Room 704 in the Herrity Building were Leslie Johnson, Zoning Administrator, DPD; Carmen Bishop, Principal Planner, DPD; and Casey Judge, Senior Planner, DPD. Presenting via telephone was Don Elliot and Tim Richards of Clarion Associates.

Ms. Byron introduced the discussion by noting that the consolidated draft has been published after having released installments over the past couple years. Mr. Elliott presented an update on the project, beginning with a summary of the reasons for updating the Ordinance and the timeline. He noted that substantive changes have been made to land uses and indicated that there is continuing discussion on some of the uses to be highlighted in the presentation. He summarized the revised recommendations for temporary uses, including reducing the previously recommended submission deadline of six weeks to 30 days. Fees were discussed next, including two new fees for accessory living unit and home-based business administrative permits, as well as reductions for three existing application types. Moving on to accessory living units, he outlined the current standards that are carried forward from the current Ordinance and then described the proposed revisions. He summarized the results of an online survey that was posted from mid-April through the end of May, noting that the older respondents were more likely to

not be in favor of the proposed revisions. Next, he introduced the home-based business use, noting the current Ordinance provisions for having a business in the home and then describing the proposed revisions. He also summarized the results on the recent online survey. He concluded the presentation by describing the approach to outreach for the project and next steps.

Mr. Elliott responded to a number of questions about the proposed standards for accessory living units (ALUs). Some members expressed support or interest in further consideration for removing the age or disability requirement. Mr. Elliott commented that the age or disability standard is very rare in current Zoning Ordinances. It was noted that ALUs are an equity issue and help fill the need for additional housing and to attract younger workers. A question was asked about the impacts of streamlining regulations for ALUs and Mr. Elliott noted that increased development tends to happen gradually. It was further noted that enforcement will be important.

Regarding the proposed maximum size for ALUs, it was mentioned that sometimes they are in basements and the proposed limit would not accommodate that. One committee member expressed support for retaining the current percentage limitation.

A question was raised about the proposed standard to designate a parking space for ALUs and home-based businesses. Concern was raised that parking is a significant issue for the community. A concern was also noted that accessory living units may result in increased impacts on schools, parks, and transportation.

Regarding the proposed changes to application fees, support was expressed for the proposed reductions and a request was made to have them adopted as soon as possible. There was also a question about reducing the fee for development of a single-family lot in the floodplain. Ms. Byron responded that this pertains to existing lots such as those in the New Alexandria neighborhood where development consists of elevated structures.

For home-based businesses, it was confirmed that they are subject to BPOL taxes. It was recommended that once zMOD is adopted, updates should be considered at regular intervals. Also, a question was asked whether ratios have been added for electric vehicle charging (EVC) stations. Ms. Byron responded that based on previous feedback, additional flexibility has been added for EVC stations.

**Zoning Ordinance Amendment Work Program:**

Ms. Johnson presented the 2020 Zoning Ordinance Amendment Work Program (ZOAWP) which establishes the priorities for Zoning Ordinance amendments for the next two years. Staff returns to the Board on an annual basis for a status update and any needed re-prioritization. She outlined the components of the ZOAWP handout, noting that the Priority 2 list has been important to identifying changes to be incorporated with the zMOD project. However, after adoption of the new, modernized Ordinance, it will be necessary to review whether the remaining Priority 2

items should be carried forward. Ms. Johnson highlighted the accomplishments of the past year, including 82 percent of the items being completed or in progress. Major accomplishments include work on the zMOD project, and the amendments for community gardens, outdoor lighting, and regional mall parking rates. She noted that adult day care had been added earlier in the year and work on that amendment will continue. She also noted that the outdoor lighting amendment was approved with a follow-on motion to consider revisions to support dark skies around the Turner Park observatory. Also mentioned was the ongoing outreach on the agritourism amendment and the Historic Overlay District amendment for Hollin Hills. She also noted that a status report on short-term lodging will be distributed to the Board in August or September. Ms. Johnson reviewed the timing categories for proposed topics on the ZOAWP and identified the proposed new and carryover items. Affordable housing has been added as a new initiative which may include zoning changes related to collaborative work with the Housing and Community Development Department (HCD). Similarly, the Fairfax green initiatives item is a placeholder for related amendments. Parking rates will be reviewed and the scope for that amendment is being developed and will be completed with the assistance of a consultant. The signs amendment will include a review of the comprehensive sign plan process and design standards. Ms. Johnson reviewed the multiple and innovative approaches to outreach on Zoning Ordinance amendments. She concluded the presentation by outlining the next steps, including a presentation to the Planning Commission on July 23, leading to a Board matter that Supervisor Smith will present to the Board in September for approval.

A question was asked about the timing for item 21H on page 16 (Attachment 3 Priority 2 Amendment Topics) of the handout regarding a study of the implications of allowing affordable dwelling units or workforce housing in certain commercial or industrial districts. Ms. Johnson noted that this item is on the Priority 2 list, but it could be reviewed in coordination with a joint HCD and DPD group. It was requested that the item be moved up in the schedule for a future work program.

### **Airport Noise Contours:**

Barbara Byron, Director, DPD, introduced the meeting. She indicated that there were a number of materials distributed to the Board including the Ricondo Report prepared for MWAA, the peer review report by Johnson Aviation, Inc. prepared for the county, the PowerPoint presentation by Nick Johnson, and the PowerPoint presentation by Barbara Byron. Ms. Byron then introduced the topic with a brief review of the Board's directives following the adoption of Plan Amendment (PA) 2018-III-DS1 (Land Unit J of the Dulles Suburban Center) on May 7, 2019. She further noted that hiring an independent consultant to undertake a peer review of the 2019 Airport Noise Contours was one of several Board directed follow-up actions. Nick Johnson, Johnson Aviation Inc., presenting via telephone, was introduced to provide an overview of his report, *Review and Assessment - Dulles International Aircraft Noise Contour Map Update*.

Mr. Johnson began his presentation by outlining the purpose of his report, which was to review the Ricondo report for conformance with industry standards for noise contours; provide advice on potential amendments to the County's Comprehensive Plan Policies and Zoning Ordinance; provide guidance on the MWAA process and the FAA's Part 150 process; and compare Dulles Airport land use planning to similar airports. The consultant was also charged with identifying jurisdictions that permit residential uses in the 60-65 DNL noise impact area; identifying impacts of the FAA's NextGen modernization program; and comparing existing operations to the ultimate operations forecast for the Dulles Airport.

Mr. Johnson summarized the following highlights from his report:

- The Ricondo noise analysis is well-documented and consistent with FAA guidance.
- The 2019 ultimate noise contour methodology is consistent with the approach used in developing the 1993 contours.
- An ultimate capacity methodology was used only for the Dulles and Denver Airports, which were considered to be the only two "greenfield" airports in the country when they were initially developed.
- The methodology is based on the projected annual operational capacity and not on demand.
- The methodology and contours are based on a 60 to 90-year buildout.
- The operational capacity associated with the existing four runways can handle demand for the next 60 to 75 years. The operational capacity associated with the planned five runways can handle demand for the next 80 to 90 years.
- Dulles flight operations peaked around 2005. That activity level is not projected to be achieved again until 2070.
- Large hub airports typically use a short-term (5 – 20 year) Part 150 process to identify projected noise impacts and areas in need of mitigation.
- There are five large hub airports in the US that permit residential use in the 60 DNL contour while requiring notifications to future residents regarding potential noise impacts.

Mr. Johnson provided four recommendations to the Board as follows:

- Consider the use of the MWAA 2019 ultimate 65+ DNL contour.
- Analyze the 60-65 DNL noise impact area to permit residential use in that area, with restrictions.
- Consider noise notification for concentrated overflight areas within the 60-65 DNL area (as is done in the Dulles Suburban Center's Land Unit J).
- Work with MWAA on nighttime (10 p.m. - 7 a.m.) noise abatement procedures and preferential runway use program.

Ms. Byron continued with the staff presentation focusing on three areas for policy discussion, as follows:

#### Consideration of the adoption of new noise contours

Staff presented several concerns, which led to the recommendation that new contours should not be adopted. These concerns included: Dulles is no longer a greenfield airport and should not be treated differently from other major airports; using projections of capacity (not demand) over a

60-90 year horizon does not account for continued technological advances or operational changes affecting noise impact areas; given that the 4<sup>th</sup> runway is minimally used (Runway 01L/19R utilized at 0 – 3.2%), there continues to be adequate capacity for airport growth; and, a 60 - 90 year horizon is well beyond a typical planning horizon of +/- 20 years. While recognizing the importance of the Dulles Airport and its key economic role in the region, staff stressed the need for balance to address county economic needs and objectives.

Consideration of permitting residential use in the 60-65 DNL contour area

Consistent with the consultant's recommendation, and with other jurisdictions in the country, staff strongly recommended looking at the current Comprehensive Plan policy to allow it to align with the Zoning Ordinance, which permits residential uses in the 60-65 DNL contour area.

Consideration of monitoring and working with MWAA on nighttime flights

Staff recommended continued work with MWAA to review and monitor nighttime flight activities and growth of the airport as a cargo hub.

Following discussion by the Board on the issues, including the need to balance the economic importance of the airport with the county's economic development and land use objectives, there was general agreement among the Board members that aligned with the staff recommendations to not adopt the MWAA proposed 2019 contours; to authorize an amendment to the Comprehensive Plan to permit residential uses in the 60 – 65 DNL contour; and, to continue to work with MWAA on nighttime activities to minimize noise impacts on the community.

The Committee meeting adjourned at 5:23 p.m.

The next Committee meeting is scheduled for October 27, 2020, at 1:30 p.m.